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C O N F I D E N T I A L SECTION 01 OF 03 WARSAW 001281

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SUBJECT: MDA VISIT ADVANCES PROSPECTS FOR RATIFYING MISSILE DEFENSE AGREEMENT

REF: A. WARSAW 1250

¶B. USNATO 407

Classified By: Ambassador Victor Ashe. Reason: 1.4 (d)

¶11. (C) SUMMARY: During an October 28-30 visit to Poland, Missile Defense Agency Director Obering and Incoming Director O'Reilly described the benefits of the planned interceptor Missile Defense (MD) interceptor site to Slupsk area residents and, in Warsaw, reviewed U.S.-Russian consultations on MD with senior GoP officials and media. In Slupsk, Deputy Defense Minister Stanislaw Komorowski said he detected a marked warming trend in public opinion -- the locals now realize the site will require few land use restrictions and will offer economic benefits. Deputy Foreign Minister Grudzinski said he was awaiting Russian approval of his visit to Moscow to discuss MD-related, Transparency and Confidence-Building Measures (TCBMs) with the Russians, along the lines of U.S. proposals. Post agrees with GoP officials that ratification of the Ballistic Missile Defense Agreement (BMDA) should go smoothly, but the process could be slowed by the requirement to ratify BMDA simultaneously with the supplemental Status of Forces Agreement and the Land Use Agreement. Talks on the latter two documents are moving too slowly, in part because of a key choke point -- the MoD's Missile Defense Office, which insists on managing all three processes. END SUMMARY.

¶12. (C) LtGen Obering, Director of the Missile Defense Agency, told high-level representatives of the Polish Ministries of Foreign Affairs, Defense, Finance and Justice, that his October 29 visit to Slupsk/Redzikowo confirmed that the area is an ideal location for the planned Missile Defense (MD) interceptor site from a technical standpoint. At a meeting hosted by the Ambassador, Obering said that he had showed area residents and media how the local community would benefit economically from the site. Using widely accepted economic models, Obering said the \$400 million in construction expenditures would generate 2-5 times as much in economic multiplier effects, for a total that could easily reach \$1 billion. Those figures, he added, do not include the economic benefit in contractors' construction and operation expenses over the next few years, which would have its own multiplier of .5 to 3 times contractor expenses.

¶13. (C) Deputy Defense Minister Stanislaw Komorowski agreed that opinion in the Slupsk area was shifting markedly in a positive direction. Initially, the community worried about possible damages from the site construction, in the form of restrictions on current and planned activities and the use of local roads. Now, the community is starting to focus on the sizeable forthcoming economic benefits. Komorowski said local leaders had agreed with him that it would be a tremendous loss for the local population if for some reason the site were not constructed as planned. Komorowski and

Deputy Foreign Minister Grudzinski argued that it should be easy to maintain a positive message on the benefits for the Slupsk area without encouraging exaggerated public expectations. In past instances of major U.S.-Polish defense initiatives, such as the F-16 sales, Grudzinski said the public had misunderstood the complicated offset issue and the government had itself hyped expectations in a time of economic difficulty.

¶4. (C) Obering noted that it was important to ratify the BMDA within a couple of months. Otherwise, the U.S. Congress might cite Polish inaction as a reason to reduce the budget for the interceptor site. Grudzinski said the timing of Obering's visit was helpful, since the parliamentary debate on MD, long sought by the opposition Left Democratic Alliance (SLD, a small party whose leadership is critical of MD) will begin in the second half of the week of November 3-7. Grudzinski said both the Foreign and Defense Ministers would likely participate in the plenary session debate; Komorowski added that he and Minister Klich had planned to be in India at that time, but one of them would reschedule to participate in the session.

¶5. (C) Noting the strong parliamentary majority for MD, and the announced support of the President, Komorowski said that ratification will be no problem, "once (the agreement) is submitted." The challenge, in Komorowski's view, was assembling the three parts of the package which had to be ratified simultaneously: the BMDA, the supplemental SoFA, and the bilateral Strategic Declaration that accompanied the BMDA. (Separately, Komorowski had told media in Slupsk

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October 29 that the GoP would do its best to move forward quickly, but he doubted it would be possible to conclude and ratify the agreements by year end.) Komorowski complained that the Declaration called for the stationing of a Patriot Missile battery in Poland, but the U.S. had not acted on an August Polish invitation to have a U.S. team visit the proposed site as early as late September. (COMMENT: Post has since learned that a U.S. Army Europe Site Survey Team plans to visit Poland November 21.)

¶6. (C) Grudzinski said the MFA had proposed to the Russians that he, Grudzinski meet with a Russian counterpart to discuss Transparency and Confidence-Building Measures (TCBM's); he hoped the Russians would agree to such consultations. He said that during his visit to Washington the previous week, he had met with Acting U/S Rood, who had seemed optimistic about Russia's evolving views on MD and their likely reaction to U.S.-proposed TCBMs. Grudzinski asked Obering what the basis for such optimism might be, particularly in light of the subsequent Russian cancellation of a planned November 6 Rood meeting with Russia's Deputy Foreign Minister Rybakov. Obering replied that the Russian Government had put forward a series of objections in hopes of killing the interceptor site in Poland, due to geopolitical rather than military strategic reasons. However, now that the Russians realize they cannot kill the MD project, they are looking to make the best possible deal. Obering suggested that the postponement of the Rybakov meeting was likely due to Russian efforts to assess how the U.S. presidential elections would affect MD talks.

¶7. (C) During a meeting with incoming MDA Director O'Reilly, three Sejm deputies expressed concern about Russian views regarding MD. Tadeusz Iwinski, a Left Democratic Alliance (SLD) member of the Foreign Affairs Committee, said his party had demanded a parliamentary vote for over a year, because of the need to assess whether MD would increase or decrease Polish security, in light of a possible exacerbation of Polish-Russian relations. Iwinski said that public opinion on MD was much more supportive in Poland than in the Czech Republic, but views here were still divided roughly 50/50 despite the GoP's newfound support for MD. General O'Reilly noted that Russian officials had tried a number of

times to obstruct the MD project, offering new objections when the old ones were addressed. For example, Putin had suggested that the radar facility in Gabala, Azerbaijan be incorporated into the Missile Defense system, and General O'Reilly had visited the site. However, when O'Reilly indicated that the radar site was an excellent one, and could be incorporated into the MD system, the Russians were clearly discomfited; they did not follow up with O'Reilly to arrange a visit to a second radar site.

¶8. (C) Pawel Gras, a Civic Platform (PO) deputy on the Sejm Defense Committee, indicated that parliamentarians would carefully assess BMDA provisions regarding liability for damages caused by the use of the interceptor missiles. He also said there would be renewed interest in the applicability of Polish law to U.S. soldiers, in light of the recent altercation in Sopot. (During a U.S. ship visit, three servicemen allegedly beat up a taxi driver in a disagreement over the fare and returned to their ship without being detained by Polish police.) O'Reilly replied that liability considerations were carefully negotiated during the BMDA talks, and the sides settled on language that paralleled a host of similar U.S. agreements with host countries. As for criminal acts by U.S. military in Poland, O'Reilly noted that there is a common misperception that host government law enforcement officials cannot apprehend U.S. military suspected of crimes. On the contrary, the General said, host government police can make the arrests, but trial jurisdiction rests with U.S. military courts.

¶9. (U) On the evening of October 29, General Obering was the featured speaker at a dinner with 28 members of the "American Lodge," a group of Poland's leading intellectuals and opinion-makers who focus on American affairs. Joining the dinner -- and engaging in an off-the-record confrontation about policies and practices of the current and past (PiS) governments -- were former MD negotiator Witold Waszczykowski and Deputy Defense Minister Komorowski. General Obering presented U.S. efforts to engage the Russians and noted increased Gulf state interest in MD technology due to their concerns about Iranian efforts to develop missile technology. Obering also spoke at a public forum at the Warsaw School of Economics before an audience of more than

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100 that included U.S., British and Polish media. Incoming Director O'Reilly gave several interviews for Polish television and press when Director Obering was called away for urgent consultations in Prague.

¶10. (C) COMMENT: Given the support for MD by Poland's largest political parties, and the unusual degree of consensus between the government and the President on this issue, Embassy contacts do not anticipate problems for ratification. The visit of Generals Obering and O'Reilly to the Slupsk area helped show the neighbors of the planned interceptor site that far from being an obstacle to local activities and investment, the construction and operation of the base could produce significant economic benefits.

¶11. (C) COMMENT, CONTINUED: Ratification challenges are mainly related to timing: officials from the Sejm (REFTEL) and government are increasingly pointing to the likelihood that ratification will slip into 2009, given the task of preparing a few agreements for simultaneous ratification. The GoP intends to ratify simultaneously the BMDA and the bilateral Strategic Declaration on Cooperation, as well as two agreements yet to be concluded: the supplemental Status of Forces Agreement, which will govern many of the conditions under which the interceptor base is constructed and operated; and a key BMDA implementing agreement, the Land Use agreement. Post is consulting with DoS and DoD officials about ways to move this package forward more quickly, such as reducing the role of the Defense Ministry's Missile Defense Office, which has become a chokepoint due to its insistence on managing the discussions on all of the linked agreements.

